

# PROPOSED AMENDMENTS TO CEQA GUIDELINES (Title 14, California Code of Regulations)

Revisions proposed in the August 22, 2003 text are marked as follows: additions are underlined; deletions are indicated by ~~strikeout~~.

New text revisions are marked as follows: additions are **bolded and underlined** and deletions are indicated by ~~**bolded strikeout**~~. The withdrawal of the proposed revisions to Section 15126.4(a) and Section 15206(c) are indicated in the proposed text by a statement to that effect.

## Table of Contents

1. 15023. Office of Planning and Research (OPR).
2. 15062. Notice of Exemption.
3. 15064. Determining the Significance of the Environmental Effects Caused by a Project.
4. 15065. Mandatory Findings of Significance.
5. 15075. Notice of Determination on a Project for Which a Proposed Negative or Mitigated Negative Declaration Has Been Approved.
6. 15082. Notice of Preparation and Determination of Scope of EIR.
7. 15085. Notice of Completion.
8. 15087. Public Review of Draft EIR.
9. 15088. Evaluation of and Response to Comments.
10. 15088.5. Recirculation of an EIR Prior to Certification.
11. 15094. Notice of Determination.
12. 15097. Mitigation Monitoring or Reporting.
13. 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.
14. 15152. Tiering.
15. 15205. Review by State Agencies.
16. 15206. Projects of Statewide, Regional, or Areawide Significance.
17. 15252. Substitute Document.
18. 15313. Acquisition of Lands for Wildlife Conservation Purposes.
19. 15325. Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources.
20. 15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Hazardous Waste or Hazardous Substances.
21. 15333. Small Habitat Restoration Projects.
22. 15378. Definition of Project.
23. Appendix C.
24. Appendix D.
25. Appendix L.

The following sections are withdrawn from the proposal: Sections 15041, 15063, 15064.5, 15130, and 15183.

## **15023. Office of Planning and Research (OPR).**

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(h) OPR shall establish and maintain a database for the collection, storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices of determination, and notices of completion provided to the office. This database of notice information shall be available through the Internet.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080.4, 21083, 21086, 21087, 21108, 21159.9 and 21161, Public Resources Code.

## 15062. Notice of Exemption.

(a) When a public agency decides that a project is exempt from CEQA and the public agency approves or determines to carry out the project, the agency may file a Notice of Exemption. The notice shall be filed, if at all, after approval of the project. Such a notice shall include:

(1) A brief description of the project,

(2) The location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).

(23) A finding that the project is exempt from CEQA, including a citation to the State Guidelines section or statute under which it is found to be exempt, and

(34) A brief statement of reasons to support the finding.

(b) A Notice of Exemption may be filled out and may accompany the project application through the approval process. The notice shall not be filed with the county clerk or the OPR until the project has been approved.

(c) When a public agency approves an applicant's project, either the agency or the applicant may file a Notice of Exemption.

(1) When a state agency files this notice, the notice of exemption ~~is~~ shall be filed with OPR. A form for this notice is provided in Appendix E. A list of all such notices shall be posted on a weekly basis at the Office of Planning and Research, 1400 Tenth Street, Sacramento, California. The list shall remain posted for at least 30 days.

(2) When a local agency files this notice, the notice of exemption ~~is~~ shall be filed with the county clerk of each county in which the project will be located. Copies of all such notices shall be available for public inspection and such notices shall be posted within 24 hours of receipt in the office of the county clerk. Each notice shall remain posted for a period of 30 days. Thereafter, the clerk shall return the notice to the local agency with a notation of the period it was posted. The local agency shall retain the notice for not less than 9 months.

(3) All public agencies are encouraged to make postings pursuant to this section available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by these guidelines and the Public Resources Code.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21108 and 21152, Public Resources Code.

## 15064. Determining the Significance of the Environmental Effects Caused by a Project.

15064

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(h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are ~~considerable~~ significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. **"Probable future projects" are defined in Section 15130.**

(2) A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083 and 21100, Public Resources Code; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *San Joaquin Raptor/Wildlife Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

## 15065. Mandatory Findings of Significance.

(a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(1)~~(a)~~ The project has the potential to: substantially degrade the quality of the environment;; substantially reduce the habitat of a fish or wildlife species;; cause a fish or wildlife population to drop below self-sustaining levels;; threaten to eliminate a plant or animal community;; substantially reduce the number or restrict the range of an endangered, rare or threatened species;; or eliminate important examples of the major periods of California history or prehistory.

(2)~~(b)~~ The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(3)~~(c)~~ The project has possible environmental effects ~~which~~ that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant ~~considerable~~ when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in Section 15130.

(4)~~(d)~~ The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(b)(1) Where, prior to the commencement of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subsection (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a lead agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.

(2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the lead agency need not prepare an EIR solely because of such an effect, if:

(A) the project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;

(B) the state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and

(C) 1. such requirements avoid any net loss of habitat ~~or~~and net reduction in number of the affected species, or

2. such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat ~~or~~and number of the affected species to below a level of significance.

(c) Following the decision to prepare an EIR, if a lead agency determines that any of the conditions specified by subsection (a) will occur, such a determination shall apply to:

(1) the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof,

(2) the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,

(3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and

(4) where necessary, the requirement to adopt a statement of overriding considerations.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21001(c), 21082.2, and 21083, Public Resources Code; ~~and~~ *San Joaquin Raptor/Wildlife Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608; *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

## **15075. Notice of Determination on a Project for Which a Proposed Negative or Mitigated Negative Declaration Has Been Approved.**

(a) ~~After deciding to carry out or approve a project for which a negative declaration or mitigated negative declaration has been approved,~~ The lead agency shall file a notice of determination within five working days after deciding to carry out or approve the project ~~by the public agency~~. For projects with more than one phases, the lead agency shall file a notice of determination ~~after deciding to carry out or approve each phase for each phase requiring a discretionary approval~~.

(b) The notice of determination ~~must~~ shall include:

(1) An identification of the project including ~~its common name where possible,~~ the project title as identified on the ~~draft~~**proposed** negative declaration, and its location, ~~and the State Clearinghouse identification number for the~~ ~~draft~~**proposed** negative declaration if the notice of determination is filed with the State Clearinghouse.

(2) A brief description of the project.

(3) The agency's name and the date on which the agency approved the project.

(4) The determination of the agency that the project will not have a significant effect on the environment.

(5) A statement that a negative declaration or a mitigated negative declaration ~~has been prepared~~ was adopted pursuant to the provisions of CEQA.

(6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.

~~(6)~~ (7) The address where a copy of the negative declaration or mitigated negative declaration may be examined.

(c) If the lead agency is a state agency, the lead agency shall file the notice of determination with OPR within five working days after approval of the project by the lead agency.

(d) If the lead agency is a local agency, the local lead agency shall file the notice of determination with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires a discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with OPR.

(e) All notices of determination filed with the county clerk ~~shall be~~ filed pursuant to this section shall be available for public inspection and shall be posted by the county clerk within 24 hours of receipt. ~~Each notice shall remain posted for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notation of the period during which it was posted. The local lead agency shall retain the notice for not less than 9 months. The filing of the notice of determination and the posting on a list of such notices starts a 30-day statute of limitations on court challenges to the approval under CEQA.~~

~~(f)~~ A notice of determination filed with OPR ~~is~~ shall be available for public inspection and shall be posted for a period of at least 30 days

(g) The filing of the notice of determination pursuant to subsection (c) above for state agencies and the filing and posting of such the notice of determination pursuant to subsections (d) and (e) above for local agencies, starts a 30-day statute of limitations on court challenges to the approval under CEQA.

(fh) A sample notice of determination is provided in Appendix D. Each public agency may devise its own form, but the minimum content requirements of subsection (b) above shall be met.

Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of these guidelines and the Public Resources Code.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21108(a) and (c), 21152(a) and (c) and 21167(b), Public Resources Code; *Citizens of Lake Murray Area Association v. City Council* (1982) 129 Cal. App. 3d 436.

## 15082. Notice of Preparation and Determination of Scope of EIR.

(a) Notice of Preparation. Immediately after deciding that an environmental impact report is required for a project, the lead agency shall send to the State Clearinghouse and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project ~~and to each trustee agency responsible for natural resources affected by the project.~~

(1) The notice of preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information shall include:

(A) Description of the project,

(B) Location of the project ~~indicated either on an attached map (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map,~~ preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name, ~~or by a street address or nearest cross street in an urbanized area),~~ and

(C) Probable environmental effects of the project.

(2) A sample for a notice of preparation is shown in Appendix I. Public agencies are free to devise their own formats for this notice. A copy of the initial study may be sent with the notice to supply the necessary information.

(3) To send copies of the notice of preparation, the lead agency shall use either certified mail or any other method of transmittal ~~that~~ which provides it with a record that the notice was received.

(4) The lead agency may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the notice of preparation. A lead agency shall not circulate a draft EIR for public review before the time period for responses to the notice of preparation has expired.

(b) Response to Notice of Preparation. Within 30 days after receiving the notice of preparation under subsection (a), each responsible and trustee agency and the State Clearinghouse shall provide the lead agency with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility ~~which that~~ must be included in the draft EIR.

(1) The response at a minimum shall identify:

(A) The significant environmental issues and reasonable alternatives and mitigation measures ~~which that~~ the responsible agency will need to have explored in the draft EIR; and

(B) Whether the agency will be a responsible agency or trustee agency for the project.

(2) If a responsible or trustee agency fails by the end of the 30-day period to provide the lead agency with either a response to the notice or a well-justified request for additional time, the lead agency may presume that the responsible agency has no response to make.

(3) A generalized list of concerns not related to the specific project shall not meet the requirements of this section for a response.

(c) Meetings. In order to expedite the consultation, the lead agency, a responsible agency, a trustee agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the lead agency in determining the scope and content of the environmental information ~~which that~~ the responsible or trustee agency may require. Such meetings shall be convened by the lead agency as soon as possible, but no later than 30 days, after the meetings were requested. On request, the Office of Planning and Research will assist in convening meetings ~~which that~~ involve state agencies.

(1) For projects of statewide, regional or areawide significance pursuant to Section 15206, the lead agency shall conduct at least one scoping meeting ~~if it has not already done so in accordance with Section 15063(h).~~ The lead agency shall provide notice of the scoping meeting to all of the following:

(A) any county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the lead agency and the county or city;

(B) any responsible agency

(C) any public agency that has jurisdiction by law with respect to the project;

(D) any organization or individual who has filed a written request for the notice.

(d) State Clearinghouse. ~~When one or more state agencies will be a responsible agency or a trustee agency, the lead agency shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. The State Clearinghouse will ensure that the state responsible and trustee agencies and trustees reply to the lead agency within the required time~~ 30 days of receipt of the notice of preparation by the state responsible and trustee agencies.

(e) Identification Number. When the notice of preparation is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, specifically on the title page of the draft and final EIR and on the notice of determination.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.9 and 21080.4, Public Resources Code.



## 15085. Notice of Completion.

- (a) As soon as the draft EIR is completed, a notice of completion must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission.
- (b) The notice of completion shall include:
  - (1) A brief description of the project,
  - (2) The proposed location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a **specific** map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).
  - (3) An address where copies of the draft EIR are available, and
  - (4) The review period during which comments will be received on the draft EIR.
- (c) A sample form for the notice of completion is included in ~~the appendices~~ Appendix L.
- (d) Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the notice of completion cover form required by the State Clearinghouse will serve as the notice of completion (see Appendix C).
- (e) Public agencies are encouraged to make copies of notices of completion filed pursuant to this section available in electronic format on the Internet.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

## **15087. Public Review of Draft EIR.**

(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to OPR. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

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Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21091, 21092, 21092.2, 21092.3, 21092.6, 21104, 21152, 21153 and 21161, Public Resources Code.

## 15088. Evaluation of and Response to Comments.

(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

~~(c)~~ The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

~~(d)~~ The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

- (1) Revise the text in the body of the EIR, or
- (2) Include marginal notes showing that the information is revised in the response to comments.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21092.5, 21104, and 21153, Public Resources Code; *People v. County of Kern* (1974) 39 Cal. App. 3d 830; *Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348.

## 15088.5. Recirculation of an EIR Prior to Certification.

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(f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.

(1) When ~~an~~ the EIR is substantially revised and the entire document ~~EIR~~ is recirculated, the lead agency may require ~~that~~ reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in ~~within~~ the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR. ~~The lead agency shall send directly to every agency, person, or organization that commented on the prior draft EIR a notice of the recirculation specifying that new comments must be submitted.~~

(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

(3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the lead agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the EIR or on the entire EIR in order to be considered by the agency.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.

## 15094. Notice of Determination.

(a) The lead agency shall file a notice of determination within five~~5~~ working days after deciding to carry out or approve~~approval~~ of the project by the lead agency. ~~The notice shall include:~~

~~(b) The notice of determination shall include:~~

~~(1) An identification of the project including its common name where possible and it's the project title as identified on the draft EIR, and its the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name). If the notice of determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.~~

~~(2) A brief description of the project.~~

~~(3) The lead agency's name and the date when on which the agency approved the project. If a responsible agency files the notice of determination pursuant to Section 15096(i), the responsible agency's name and date of approval shall also be identified.~~

~~(4) The determination of the agency whether the project in its approved form will have a significant effect on the environment.~~

~~(5) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.~~

~~(6) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.~~

~~(7) Whether findings were made pursuant to Section 15091.~~

~~(8) Whether a statement of overriding considerations was adopted for the project.~~

~~(9) The address where a copy of the final EIR and the record of project approval may be examined.~~

~~(b c) If the lead agency is a state agency is the lead agency, the lead agency shall file the notice of determination shall be filed with OPR within five working days after approval of the project by the lead agency.~~

~~(e d) If the lead agency is a local agency is the lead agency, the local lead agency shall file the notice of determination shall be filed with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the lead agency. If the project requires discretionary approval from a any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination shall also be filed with OPR.~~

~~(d e) A notice of determination filed with the county clerk is available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local lead agency with a notation of the period during which it was posted. The local lead agency shall retain the notice for not less than 9 months.~~

~~(e f) A notice of determination filed with OPR is shall be available for public inspection and shall be posted for a period of at least 30 days.~~

~~(f g) The filing of the notice of determination pursuant to subsection (c) above for state agencies and the filing and posting of such the notice of determination pursuant to subsections (d) and (e) above for local agencies, starts a 30-day statute of limitations on court challenges to the approval under CEQA.~~

~~(h) A sample notice of determination is provided in Appendix D. Each public agency may devise its own form, but any such form shall include, at a minimum, the information required by subsection (b). Public agencies are encouraged to make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the Guidelines and the Public Resources Code.~~

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21108, 21152 and 21167, Public Resources Code; *Citizens of Lake Murray Area Association v. City Council* (1982) 129 Cal. App. 3d 436.

## **15097. Mitigation Monitoring or Reporting.**

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(g) When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located and to the California Department of Transportation. Each transportation planning agency and the California Department of Transportation shall adopt guidelines for the submittal of such information.

Authority: Sections 21083 and 21087, Public Resources Code. References: Sections 21081.6 and 21081.7, Public Resources Code.

## 15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

### 15126.4

[Subsection (a) has been withdrawn from the proposal]

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(b)(3)

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(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

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Authority: Sections 21083 and 21087, Public Resources Code. Reference: Sections 5020.5, 21002, 21003, 21100 and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011; ~~*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374; *Ehrlich v. City of Culver City* (1996) 12 Cal.4<sup>th</sup> 854; and Gov. Code Section 66001.~~

## 15152. Tiering.

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

(b) Agencies are encouraged to tier the environmental analyses ~~which that~~ they prepare for separate but related projects, including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d)(1) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance need not examine, except as set forth in subsection (d)(2) below, those environmental effects that the lead agency determines were adequately analyzed in the prior EIR. Environmental effects have been adequately analyzed if the lead agency determines they were either: ~~should limit the EIR or negative declaration on the later project to effects which:~~

~~(1) Were not examined as significant effects on the environment in the prior EIR; or~~

~~(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.~~

(A) mitigated to a less than significant level pursuant to changes or alterations to the previously approved program, plan, policy, or ordinance (e.g., policies functioning as mitigation measures as applied to future projects) adopted and made fully enforceable by the lead agency at the time the program, plan, policy, or ordinance was approved; or

(B) examined at a sufficient level of detail in the prior EIR to enable those effects to be mitigated to a less than significant level, with the project proponent's advance agreement, by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(2) If the lead agency, pursuant to subsection (d)(1), determines that certain environmental effects need not be formally examined in the environmental document for the later project, the lead agency, as part of its initial study, shall do the following:

(A) identify the location of the previously approved program, plan, policy, or ordinance and associated environmental analysis and findings providing the bases for these conclusions, so that interested members of the public can review all such documents during the public review process for the later project;

(B) identify, if applicable, the specific relevant mitigation measures or policies from the previously approved program, plan, policy, or ordinance, as adopted and made fully enforceable at the time the program, plan, policy, or ordinance was approved;

(C) identify, if applicable, new mitigation measures, site specific revisions, conditions, or other means that can be formulated based on information found in the prior environmental document, and explain how that document examined the environmental effect at issue at a sufficient level of detail to allow the formulation of such new measures, revisions, conditions, or other means; and

(D) explain its reasoning in support of its conclusion that the previously adopted mitigation measures or policies, or the newly formulated mitigation measures, revisions, conditions, or other means shall be applied to, and be enforceable against, the proposed project.

(3) The lead agency may not, pursuant to subsections (d)(1)(B) and (d)(2)(C), rely solely upon a prior environmental document to formulate new mitigation measures, site specific revisions, conditions, or other means of mitigating or avoiding a significant effect where, in formulating such changes to a later project, the lead agency must rely on information about the later project or its environmental impacts that were not known or could not have been known with the exercise of reasonable diligence at the time the



prior program, plan, policy, or ordinance was adopted. However, the lead agency may, pursuant to subsections (d)(1)(B) and (d)(2)(C), rely on a performance standard adopted by a lead agency as part of the program, plan, policy, or ordinance and that, as applied and adapted to the later project, will mitigate an environmental effect to a less than significant level.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that either (A) were not adequately addressed analyzed in the prior EIR, or (B) cannot be mitigated to less than significant levels pursuant to subdivision (d).

Consistent with subdivision (d), a A negative declaration shall be required when the provisions of Section 15070 are met.

~~Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail. A lead agency shall determine whether a project's incremental contribution to an adverse cumulative impact is cumulatively considerable, and thus significant, pursuant to Sections 15064(h), 15130(d), and 15130(e). Where the lead agency determines that the incremental contribution may be cumulatively considerable and thus significant, and that any mitigation available through subsection (d) of this section cannot render the incremental contribution less than significant, the lead agency shall prepare an EIR analyzing the project's incremental effects in connection with the cumulative impact resulting from the effects of past, present, and probable future projects.~~

~~(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).~~

~~(3) Significant environmental effects have been "adequately addressed" if the lead agency determines that:~~

~~(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or~~

~~(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.~~

(g) When tiering is used, the later EIRs or negative declarations, consistent with subsection (d)(2)(A), shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General plan EIR (Section 15166).

(2) Staged EIR (Section 15167).

(3) Program EIR (Section 15168).

(4) Master EIR (Section 15175).

(5) Multiple-family residential development / residential and commercial or retail mixed-use development (Section 15179.5).

(6) Redevelopment project (Section 15180).

(7) Housing / neighborhood commercial facilities in an urbanized area (Section 15181).

(8) Projects consistent with community plan, general plan, or zoning (Section 15183).

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21003, 21061, 21093, 21094, 21100 and 21151, Public Resources Code; *Stanislaus Natural Heritage Project, Sierra Club v. County of Stanislaus* (1996) 48 Cal.App.4th 182; *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App. 4th 729; and *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307.

## 15205. Review by State Agencies.

...

(e) ~~The~~ A sufficient number of copies of an EIR, ~~or~~ negative declaration, ~~or mitigated negative declaration, shall be submitted to the State Clearinghouse for review and comment by state agencies. shall not be less than ten unless the State Clearinghouse approves a lower number in advance. The notice of completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the negative declaration~~ **or mitigated negative declaration.** The notice of completion form required by the State Clearinghouse is included in Appendix C. If the lead agency uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to [www.ceqanet.ca.gov](http://www.ceqanet.ca.gov)).

...

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21083, 21091, 21104, and 21153, Public Resources Code.

## **15206. Projects of Statewide, Regional, or Areawide Significance.**

(a) Projects meeting the criteria in this section shall be deemed to be of statewide, regional, or areawide significance.

(1) A draft EIR or negative declaration prepared by any public agency on a project described in this section shall be submitted to the State Clearinghouse and should be submitted also to the appropriate metropolitan area council of governments for review and comment. The notice of completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the negative declaration. The notice of completion form required by the State Clearinghouse is included in Appendix C. If the lead agency uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to [www.ceqanet.ca.gov](http://www.ceqanet.ca.gov)).

[Subsection (c) has been withdrawn from the proposal]

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections ~~21083~~ and 21083.9, Public Resources Code.

## 15252. Substitute Document.

(a) The document used as a substitute for an EIR or Negative Declaration in a certified program shall include at least the following items:

~~(a)~~1) A description of the proposed activity, and

~~(b)~~2) Either:

~~(4)~~A) Alternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment, or

~~(2)~~B) A statement that the agency's review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion.

(b) The notice of the decision on the proposed activity shall be filed with the Secretary for Resources.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21080.5, Public Resources Code.

### **15313. Acquisition of Lands for Wildlife Conservation Purposes.**

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

## **15325. Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources.**

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.
- (f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

### **15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Hazardous Waste or Hazardous Substances.**

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, ~~with the exception of low temperature thermal desorption~~, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code ~~s~~Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

(b) Examples of such minor cleanup actions include but are not limited to:

~~(a)-(1)~~ Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;

~~(b)-(2)~~ Maintenance or stabilization of berms, dikes, or surface impoundments;

~~(c)-(3)~~ Construction or maintenance or interim of temporary surface caps;

~~(d)-(4)~~ Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;

~~(e)-(5)~~ Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;

~~(f)-(6)~~ Application of dust suppressants or dust binders to surface soils;

~~(g)-(7)~~ Controls for surface water run-on and run-off that meets seismic safety standards;

~~(h)-(8)~~ Pumping of leaking ponds into an enclosed container;

~~(i)-(9)~~ Construction of interim or emergency ground water treatment systems;

~~(j)-(10)~~ Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

### **15333. Small Habitat Restoration Projects.**

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,

(b) There are no hazardous materials at or around the project site that may be disturbed or removed, and

(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of **reasonably foreseeable probable** future projects.

(d) Examples of small restoration projects may include, but are not limited to:

(1) revegetation of disturbed areas with native plant species;

(2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;

(3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;

(4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.

(5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and

(6) culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or **National Marine-NOAA Fisheries Service**, the primary purpose of which is to improve habitat or reduce sedimentation.

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.



## 15378. Definition of Project.

...

(b) Project does not include:

- (1) Proposals for legislation to be enacted by the State Legislature;
- (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);
- (3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (Stein v. City of Santa Monica (1980) 110 Cal.App.3d 458; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165);
- (4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
- (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

...

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21065, Public Resources Code; *Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464; *Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779; *Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

## **Appendix C.**

(The Notice of Completion form required by the State Clearinghouse begins on the following page.)

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## Appendix C

### Notice of Completion

State of California  
Office of Planning and Research  
1400 Tenth Street, Sacramento, California 95814

---

Project Title

---

Project Location — Specific

---

Project Location — City  
County

---

Project Location —

---

Description of Nature, Purpose, and Beneficiaries of Project

---

Lead Agency

---

Division

---

Address Where Copy of EIR is Available

---

Review Period

---

Contact Person  
Extension

---

Area Code

---

Phone

**Notice of Completion & Environmental Document Transmittal***Appendix C*

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

**Project Title:**

Lead Agency: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

**Project Location:**

County: \_\_\_\_\_ City/Nearest Community: \_\_\_\_\_  
Cross Streets: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Assessor's Parcel No. \_\_\_\_\_ Section: \_\_\_\_\_ Twp. \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_  
Within 2 miles: State Hwy#: \_\_\_\_\_ Waterways: \_\_\_\_\_  
Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

**Document Type:****CEQA:**

☐ ☐ NOP  
☐ ☐ Early  
Cons  
☐ ☐ Neg Dec  
☐ ☐ Mit Neg Dec  
☐ ☐ Draft EIR  
☐ ☐ Supplement to EIR  
☐ ☐ Subsequent EIR  
☐ ☐ Other

**NEPA:**

☐ ☐ NOI  
☐ ☐ EA  
☐ ☐ Draft EIS  
☐ ☐ FONSI

**Other:**

☐ ☐ Joint Document  
☐ ☐ Final  
Document  
☐ ☐ Other

**Local Action Type:**

☐ ☐ General Plan Update  
☐ ☐ General Plan  
Amendment  
☐ ☐ General Plan Element  
☐ ☐ Community Plan  
☐ ☐ Specific Plan  
☐ ☐ Master Plan  
☐ ☐ Planned Unit  
Development  
☐ ☐ Site Plan  
☐ ☐ Rezone  
☐ ☐ Prezone  
☐ ☐ Use Permit  
☐ ☐ Land Division (Subdivision,  
etc.)  
☐ ☐ Annexation  
☐ ☐ Redevelopment  
☐ ☐ Coastal Permit  
☐ ☐ Other

**Development Type:**

☐ ☐ Residential: Units Acres  
☐ ☐ Office: Sq.ft. Acres Employees  
☐ ☐ Commercial: Sq.ft. Acres  
Employees  
☐ ☐ Industrial: Sq.ft. Acres  
Employees  
☐ ☐ Educational  
☐ ☐ Recreational  
☐ ☐ Water Facilities: Type MGD  
☐ ☐ Transportation: Type  
☐ ☐ Mining: Mineral  
☐ ☐ Power: Type MW  
☐ ☐ Waste Treatment:  
Type MGD  
☐ ☐ Hazardous Waste:  
Type  
☐ ☐ Other:

**Total Acres: (approx.)****Project Issues That May Have A Significant Or Potentially Significant Impact:**

☐ ☐ Aesthetic/Visual  
☐ ☐ Agricultural  
Land  
☐ ☐ Air Quality  
☐ ☐ Archeological/Histori  
cal  
☐ ☐ Biological  
Resources  
☐ ☐ Coastal Zone  
☐ ☐ Drainage/Absorption  
☐ ☐ Economic/Jobs  
☐ ☐ Fiscal  
☐ ☐ Food Plan in  
Flood Plain/Flooding  
☐ ☐ Forest Land/Fire  
Hazard  
☐ ☐ Geologic/Seismic  
☐ ☐ Minerals  
☐ ☐ Noise  
☐ ☐ Population/Housing  
Balance

- |   |  |
|---|--|
| <input type="checkbox"/> <input type="checkbox"/> <u>Public</u>               | <input type="checkbox"/> <input type="checkbox"/>                            |
| <input type="checkbox"/> <input type="checkbox"/> <u>Services/Facilities</u>  | <input type="checkbox"/> <input type="checkbox"/> <u>Traffic/Circulation</u> |
| <input type="checkbox"/> <input type="checkbox"/> <u>Recreation/Parks</u>     | <input type="checkbox"/> <input type="checkbox"/> <u>Vegetation</u>          |
| <input type="checkbox"/> <input type="checkbox"/>                             | <input type="checkbox"/> <input type="checkbox"/> <u>Water Quality</u>       |
| <input type="checkbox"/> <input type="checkbox"/> <u>Schools/Universities</u> | <input type="checkbox"/> <input type="checkbox"/> <u>Water</u>               |
| <input type="checkbox"/> <input type="checkbox"/> <u>Septic Systems</u>       | <input type="checkbox"/> <input type="checkbox"/> <u>Supply/Groundwater</u>  |
| <input type="checkbox"/> <input type="checkbox"/> <u>Sewer Capacity</u>       | <input type="checkbox"/> <input type="checkbox"/> <u>Wetland/Riparian</u>    |
| <input type="checkbox"/> <input type="checkbox"/> <u>Soil Erosion/</u>        | <input type="checkbox"/> <input type="checkbox"/> <u>Growth</u>              |
| <input type="checkbox"/> <input type="checkbox"/> <u>Compaction/Grading</u>   | <input type="checkbox"/> <input type="checkbox"/> <u>Inducement</u>          |
| <input type="checkbox"/> <input type="checkbox"/> <u>Solid Waste</u>          | <input type="checkbox"/> <input type="checkbox"/> <u>Land Use</u>            |
| <input type="checkbox"/> <input type="checkbox"/> <u>Toxic/Hazardous</u>      | <input type="checkbox"/> <input type="checkbox"/> <u>Cumulative</u>          |
|   | <input type="checkbox"/> <input type="checkbox"/> <u>Effects</u>             |
|   | <input type="checkbox"/> <input type="checkbox"/>                            |
|   | <input type="checkbox"/> <input type="checkbox"/> <u>Other</u>               |

---

**Present Land Use/Zoning/General Plan Designation:**

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**Project Description:** *(please use a separate page if necessary)*

*NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.*

Revised ~~2003~~ 2004

**Reviewing Agencies Checklist***Appendix C.**continued**Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.*

<b>Air Resources Board</b>	<u>Office of Emergency Services</u>
<u>Boating &amp; Waterways, Department of</u>	<u>Office of Historic Preservation</u>
<u>California Highway Patrol</u>	<u>Parks &amp; Recreation</u>
<u>Caltrans District #</u>	<u>Pesticide Regulation, Department of</u>
<u>Caltrans Division of Aeronautics</u>	<u>Public Utilities Commission</u>
<u>Caltrans Planning</u>	<u>Reclamation Board</u>
<u>Coachella Valley Mountains Conservancy</u>	
<u>Coastal Commission</u>	<u>Resources Agency</u>
<u>Colorado River Board</u>	<u>S.F. Bay Conservation &amp; Development</u>
<u>Commission</u>	
<u>Conservation, Department of</u>	<u>San Gabriel &amp; Lower Los Angeles Rivers</u>
<u>Corrections, Department of</u>	<u>&amp; Mountains Conservancy</u>
<u>Delta Protection Commission</u>	<u>San Joaquin River Conservancy</u>
<u>Education, Department of</u>	<u>Santa Monica Mountains Conservancy</u>
<u>Office of Public School Construction</u>	<u>State Lands Commission</u>
<u>Energy Commission</u>	<u>SWRCB: Clean Water Grants</u>
<u>Fish &amp; Game Region #</u>	<u>SWRCB: Water Quality</u>
<b>Food &amp; Agriculture, Department of</b>	
<u>Forestry &amp; Fire Protection</u>	<u>Tahoe Regional Planning Agency</u>
<u>General Services, Department of</u>	<u>Toxic Substances Control, Department of</u>
<u>Health Services, Department of</u>	<u>Water Resources, Department of</u>
<u>Housing &amp; Community Development</u>	
<u>Integrated Waste Management Board</u>	<u>Other:</u>
<u>Native American Heritage Commission</u>	<u>Other:</u>

**Local Public Review Period** (to be filled in by lead agency)

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Lead Agency** (Complete if applicable): \_\_\_\_\_**Applicant:** \_\_\_\_\_

Consulting Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Signature of Lead Agency Representative**

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**Date**

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

## **Appendix D.**

(The Notice of Determination form begins on the following page.)



Notice of Determination

Appendix D

**Appendix D**  
**NOTICE OF DETERMINATION**

To: ☐ Office of Planning and Research

— 1400 Tenth Street, Room 121

— Sacramento, CA 95814

From: (Public Agency)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TO: ☐ Office of Planning and Research

FROM: Public Agency:

Address:

For U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth Street

Contact:

Sacramento, CA 95812-3044

Sacramento, CA 95814

Phone:

☐ County Clerk

County of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Lead Agency (if different

from above):

☐ County Clerk

County of \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

~~Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.~~

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title

Project Title

---

State Clearinghouse Number  
(If submitted to Clearinghouse)

Contact Person

Area Code/Telephone/Extension

---

Project Location:

**Project Location (include county)**

**Project Description:**

---

Project Description:

This is to advise that the \_\_\_\_\_ has approved the above described \_\_\_\_\_ (☐ Lead Agency or ☐ Responsible Agency) project on \_\_\_\_\_ and has made the following determinations regarding the above described project:  
(Date)

1. The project [☐ will ☐ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☐ was not ] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☐ was not] adopted for this project.
6. Findings [☐ were ☐ were not ] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

---

---

Date received for filing and posting at OPR: \_\_\_\_\_

---

Signature (Public Agency)

Title

---

**Signature (Public Agency)**

**Title**

**Date**

**Revised March 1986**

152 152 • APPENDICES

**Date Received for filing at OPR:**

**Revised 2003 2004**

Authority cited: Sections 21083 and 21087, Public Resources Code.  
Reference: Sections 21000-21174, Public Resources Code.

## **Appendix L.**

(The Notice of Completion form for local use begins on the following page.)

## Notice of Completion of Draft EIR

## Appendix L

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Project Title

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Project Location – Specific

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Project Location – City  
Location – County

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Project

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Description of Nature, Purpose, and Beneficiaries of Project

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Lead Agency

---

Division

---

Address Where Copy of EIR is Available

---

Review Period

---

Contact Person  
Extension

---

Area Code

---

Phone

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference:  
Sections 21092, 21152, and 21153, Public Resources Code.